

DRAFT

STATE OF ALASKA  
DIVISION OF OCCUPATIONAL LICENSING  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
BOARD OF MARINE PILOTS

MINUTES OF MEETING  
NOVEMBER 2 and 3, 1988

Agenda Item 1. Oral Examinations. Executive Session  
9:00 a.m. - 11:00 a.m. Six candidates were given oral  
examinations.

Agenda Item 2. Meeting Called to Order/Roll Call. By authority of  
AS 08.01.070(2) and AS 08.40.040, and in compliance with  
the provisions of AS 44.61, Article 6, and AS 44.62.310,  
a scheduled meeting of the Board of Marine Pilots was  
held on November 2 and 3, 1988 at the Elks Lodge, 215  
West Jenny Lane in Homer, AK.

The meeting was called to order at 11:00 a.m. Those  
present and constituting a quorum:

Captain Harold K. Elsensohn

Mark A. Foster

William Lorch arrived at 1:30 p.m. 11/2/88

Captain W. Ed Murphy, Chairman

Russell Sell

M. Paul Taylor, Vice Chairman

Kathy Marshall was absent during both days of the  
meeting.

Also present from the Department of Commerce and Economic Development, Division of Occupational Licensing were: Nancy Ferguson, Licensing Examiner, and Colin Matthews, Investigator.

Also present from the Department of Law was Steve White, Assistant Attorney General

Guests present were:

Capt. David Anderson

Capt. Arnt Antonsen, SEA Pilots

Capt. Hans Antonsen

Capt. Bill Bullard, SEA Pilots

Capt. Michael Clinkscales

Capt. Harley Clough, SEA Pilots

Capt. Richard Cochinois, SWAPA

Capt. W.R. Dickerson

Capt. Tom Dondas, AMP

Capt. Eric Eliassen, SWAPA

Michael Hanson, AMP

X Capt. R.L. <sup>Hendricks</sup>Hendrichs, SWAPA

Capt. Mark Hawker, SWAPA

Capt. Robert Herring, SWAPA

Capt. Joseph Homer

Capt. Jim Hurd, SWAPA

Capt. A.J. Joslyn, SWAPA

Capt. Stuart Mork, AMP

Milton Moss

Tom Ruetger, North Star Maritime

Capt. John Schibel, AMP

Bill Sharp, S.E. Stevedoring

Capt. R.W. Smith, SEA Pilots

Mary Truitt, ALAMAR

Capt. James Wright, SWAPA

A delegation of authority dated November 2, 1987 from Commissioner Smith was read into the record per AS 08.62.010 by the Licensing Examiner. Commissioner Smith appointed Kathy Marshall, Director of Division of Administrative Services, as his designee for the meeting.

Agenda Item 3. Approval of April 19 and 20, 1988 Minutes. On a motion duly made by M. TAYLOR, seconded and approved unanimously it was:

RESOLVED to waive the reading of the minutes.

FURTHER RESOLVED to accept the April 1988 minutes as written.

Agenda Item 4. Permanent Examination Results 11/1/88. Captain Elsensohn, Captain Murphy and Nancy Ferguson gave written examinations on November 1, 1988. Eight people sat for the permanent exam. Two people failed and six people passed. Seven people sat for the permanent extension of route exams. All seven people passed.

On a motion duly made by CAPTAIN ELSENSOHN, seconded, and approved unanimously it was

RESOLVED to issue David A. Anderson a channel pilot license upon the waters of Southeast Alaska Dixon Entrance to Cape Spencer <sup>excluding</sup> including the West Coast of Prince of Wales Island, Nichols Passage, Snow Pass, Icy Strait, and Cross Sound, Glacier Bay, Sitka Sound, Gastineau Channel and the ports of Klawock, Metlakatla, Hoonah, Sitka and Juneau.

FURTHER RESOLVED to issue Hans H. Antonsen a channel pilot license upon the waters of Southeast Alaska Dixon Entrance to Cape Spencer excluding Snow Pass, Sitka Sound, Gastineau Channel and Ports of Sitka, Juneau and Klawock.

On a motion duly made by MR. TAYLOR, seconded, and approved unanimously, it was

RESOLVED to issue Thomas M. Dundas a license as pilot on vessels of not more than 20,000 gross tons upon the waters of the Aleutian Islands except Adak and the Alaska Peninsula ports of Cold Bay and King Cove.

RESOLVED to issue Eric R. Eliassen a license as Channel pilot on vessels of not more than 20,000 gross tons upon the waters of Resurrection Bay, Dutch Harbor/Unalaska, Valdez Port and Arm, Whittier/Passage Canal, and Northern Prince William Sound.

RESOLVED to issue Stuart Mork a license as channel pilot on vessels of not more than 20,000 gross tons upon the waters of Dutch Harbor/Unalaska

FURTHER RESOLVED that upon receipt of one final legal docking, we can issue Stuart Mork a license as pilot on vessels of not more than 20,000 gross tons upon the waters of Dutch Harbor/Unalaska.

RESOLVED to issue Mark Hawker a channel pilot license on vessels of not more than 20,000 gross tons upon the waters of Resurrection Bay, Valdez Port and Arm, and the Cook Inlet ports of Nikiski and approaches thereto.

Extension of Routes: These exams were held on November 1, 1988.

On a motion duly made by CAPTAIN ELSENSOHN, seconded and approved unanimously, it was

RESOLVED that Charles L. Bates have Yakutat added to his license.

RESOLVED that Keith S. Douglas have Klawock, Icy Strait, Cross Sound, Hoonah, and Yakutat added to his license.

On a motion duly made by MR. TAYLOR, seconded, and approved unanimously, it was

RESOLVED that Michael Clinckscales be issued a license to read unlimited pilot on vessels of any gross tons upon the waters of Kodiak Island; the Alaska Peninsula <sup>except the</sup> ports of Cold Bay and Port Moller/Herendeen Bay; Seward/Resurrection; Prince William Sound except Hinchinbrook Entrance; and lower Cook Inlet South of X Anchorage Point.

RESOLVED that William Dickenson be issued a license to read Western Alaska and Kodiak Island ports of Kodiak/St. Paul Harbor and Womens Bay and Prince William Sound ports of Orca Bay and Inlet except: Cold Bay, Kodiak Island group, Cook Inlet port of Drift River, Seward/Resurrection Bay.

RESOLVED that Joseph Homer be issued an addition to his existing license to read channel pilot on vessels of not more than 20,000 gross tons upon the waters of Dutch Harbor/Unalaska.

RESOLVED that Michael Stone be issued a license to read pilot on vessels of not more than 40,000 gross tons upon the waters of Western Alaska Icy Cape to Demarcation Point except the Cook Inlet ports of Drift River and Port Graham and the Aleutian Island port of Akutan; and Prince William Sound.

RESOLVED that Gordon Terpening be issued an addition to his existing license of X Prince William Sound, Port of Valdez Port and Arm.

Agenda Item 5. Extension of Routes/Permanent Licensure. On a motion duly made, seconded and approved unanimously it was

RESOLVED to approved the below listed extension of routes for permanent licensure;

Homer, Joseph

Add West Coast of Prince of Wales  
Island, excluding Klawock

Douglas, Keith

Add Snow Pass

Lie-Nelson, Peter

Add West Coast of Prince of Wales  
Island, excluding Klawock  
Add Glacier Bay  
Add Sitka Sound and Port of Sitka

Pierce, Jeffrey

Add Western Alaska and Prince  
William Sound

Pullin, Larry

Add West Coast of Prince of Wales  
Island, excluding Klawock  
Add Gastineau Channel and Port of  
Juneau

Walker, Bryan

Add West Coast of Prince of Wales  
Island, excluding Klawock  
Add Sitka Sound and Port of Sitka

Tonnage Upgrades/Permanent Licensure. On a motion duly  
made by MR. TAYLOR, seconded and approved unanimously,  
it was

- 1) Bob Boyd, Housekeeping

RESOLVED that we make permanent the upgrade from 60,000 gross tons to unlimited for Bob Boyd.

2) Archie Diment

On a motion duly made by MR. TAYLOR, seconded and approved unanimously it was

RESOLVED that we make Archie Diment's 40,000 gross ton permit permanent.

X The examiner handed out a packet received from Captain Diment on October 27, 1988. The board reviewed the documentation submitted in support of upgrading from 40,000 to unlimited in June 1989.

X Captains' <sup>Elgersohn</sup> Murphy and ~~Elensohn~~ feel that Captain Diment has satisfied the requirement with the other members in agreement. The Chairman asked that the licensing examiner write Captain Diment and advise that once he has met the time requirement, he will receive the permit for unlimited, as the board is satisfied with the documentation provided.

3) Richard Gurry

The examiner handed out a packet received from Captain Gurry on October 27, 1988. Captain Gurry's original application was to upgrade from Channel to Unlimited. He was granted a permit for 20,000 gross tons at that time. Captain Gurry is again requesting an upgrade to unlimited and has provided more documentation in support of his request.



The board is reluctant to jump tonnage increment requirements. Captain Murphy <sup>advised</sup> noted that the board worked many years to <sup>obtain</sup> get the <sup>requirements</sup> requirements <sup>in place</sup> in place. Mr. Gurry is well qualified, but <sup>Mr. F.</sup> Murphy doesn't feel that it will cause him any harm to work on the 20,000 gross ton license.

Captain Elsensohn felt that the board should be consistent with all applicants including those in Southeast. (All applicants will begin at 20,000 gross tons.) <sup>Richard Gurry has</sup> Approximately the same seagoing experience as Southwest pilot Michael Stone who received an initial license of 40,000 gross tons several meetings ago. More discussion followed.

On a motion duly made by CAPTAIN ELSENSOHN, seconded and approved unanimously, it was:

RESOLVED to approve Richard Gurry for the 20,000 gross ton permanent license.

Captain Murphy noted that with proper documentation, Mr. Gurry can upgrade to 40,000 gross tons 6/9/89.

4) David Renwick - Housekeeping

On a motion duly made by MR. TAYLOR, seconded and approved unanimously, it was:

RESOLVED to approve the upgrade to unlimited for David Renwick.

Agenda Item 6. Lunch Break.

Recess 12:13

X Reconvene 13:30

William Lorch was present at the meeting. Kathy Marshall is absent.

Agenda Item 7. Director's Report.

Randall Burns is not present due to an illness in the family.

Agenda Item 8. Investigative Report.

Colin Matthews, Investigator is present. Gary Dodson, Chief Investigator is not present.

On a motion duly made by MR. TAYLOR, seconded and approved unanimously, it was:

RESOLVED to go into executive session for purposes of the accident report.

Off the record at 1:32

On the record at 2:01

FURTHER RESOLVED to go into open session.

RESOLVED that the board chairman respond to two letter from Admiral Cruise Lines and Exploration Cruise Lines; and in continuation resolve that we close MP 89-2753, MP 89-2754, MP 88-2751, and MP 89-2777.

Captain Murphy will consult with the Assistant Attorney General on the wording of the letter.

Agenda Item 9. Discussion with Steve White, AAG.

Mr. White is delayed due to weather problems in Juneau.

x H Will arrive later in the meeting.

Agenda Item 10. Temporary Permit Exams.

- a. Past History/Administrative Problems
- b. Permit Exam Dates/Application Deadlines

x In past years, temporary permit exams were given before two members on an as needed basis. We have experienced a tremendous increase in new applications and also more activity for extension of routes *exams.*

The Examiner proposed that temporary permit exam dates be chosen at this meeting, so that all applicants will be aware of the dates well ahead of time.

The members concurred that the past arrangement is no longer liveable because there is so much activity. The members will plan to hold a temporary permit exam for initial and extension of routes on February 7, 1989 in Juneau, and March 2, 1989 in Anchorage.

In the past there has been a problem with applicants completing their paperwork the day before the exam or a week prior to the exam, and then wishing to test. The examiner proposed an application deadline for the temporary permit exam of 30 days which would allow time for the applications to be mailed to two members for approval, and the examinations to be prepared.

The board concurred and requested that the "Standard Operating Procedures for the Board of Marine Pilots" be amended to require an application deadline of 30 days prior to the extension of route and initial temporary permit exams that take place between regularly scheduled meetings.

The public in attendance felt that a 30-day deadline was reasonable for temporary permit exams.

The Examiner thanked the board. All of her concerns were met.

Agenda Item 11. Correspondence.

- X a) Captain Lewis <sup>Pilton</sup> Pilton requested an extension of his temporary permit in compliance with 12 AAC 56.060(6).

On a motion duly made, seconded and approved unanimously it was:

RESOLVED to extend the permit of Lewis Pilton until the next regularly scheduled permanent exam.

- b) David Grobschmidt appealed to the board for waiver of the regulations regarding his limited federal pilotage endorsement.

The board felt that Captain Murphy wrote a good letter and they don't know what else they can do.

On a motion duly made by MR. TAYLOR, seconded, and approved unanimously it was:

RESOLVED that the board accept the board  
chairman's response dated October 13, 1988  
to stand.

The chairman will send another letter advising that the  
entire board reviewed Mr. Gobschmidt's letter and their  
decision stands.

Agenda Item 13. WICHE Program/Cal Maritime.

(This item was on the agenda for November 3, 1988) Mark  
Foster contacted Senator Arliss Sturgulewski regarding  
Cal Maritime being added to the WICHE Program once  
again. Senator Sturgulewski feels that the Legislature  
is reluctant to add Cal Maritime to the WICHE Program.  
The Legislature is in favor of promoting local in-state  
programs. Alaskans can go to school in Alaska.

Please review the handout from Mr. Foster noted as  
Attachment A.

Captain Elsensohn advised that piloting is not an entry  
level profession. By attending Cal Maritime, an  
individual will receive a 3rd mates license. From third  
mate you work up to the masters license (USCG). Entry  
level for piloting is the masters license.

It was noted that the radar school in Seward is very  
modern and has a simulator.

Captain Clough noted that during the 1980 sunset review  
the Legislature was concerned that pilots were coming  
from outside Alaska. They worked with Senator Kertula  
to add Cal Maritime to the WICHE program which gives  
Alaska graduates a chance to go to a well rounded  
school.

April 1989 Agenda Item:

Mr. Sell proposed an agenda item for next meeting:  
Promote continuing education for licensees.

Agenda Item 9. Steve White AAG. Still not present, the board has a lot <sup>number</sup> of ~~business~~ <sup>business</sup> with him.

Break: Off the record at 2:50 p.m.

On the record at 3:03 p.m.

Agenda Item 9. Discussion with Steve White, AAG.

Mr. White arrived at 3:05 p.m. weather problems caused the delay.

a. Proposed Stipulation: Marine Matter

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED to go into executive session at this time.

Off the record at 3:05.

On the record at 3:38.

RESOLVED to come out of executive session.

On a motion duly made by Mr. Lorch, seconded, and approved unanimously it was:

RESOLVED to approve MP 88 L-37 as stipulated.

Proposed regulations:

- 1. 12 AAC 56.500. VLCC Endorsement Required
- 2. 12 AAC 56.510. Qualifications for VLCC License Endorsement.

Mr. White discussed the regulations with the regulation attorney. It was agreed that there is authority under the statutes, ~~agreed to~~ the size cut off of 60,000 gross tons, <sup>is available</sup> and there are enough courses available.

The grandfather issued is sticky because there is the legal issue/equal protection, and public policy.

*Me* Regulation attorney asked Mr. White to do research on grandfathering. Public safety <sup>an area</sup> ~~issue~~ is of concern.

Mr. White will ~~do~~ <sup>the issues</sup> research and give suggestions if there is a problem. Will have ready for the Spring 1989 meeting.

Mr. White noted that he has worked 200 hours on the Thatcher, and Nerup matters. Enforcement is first priority. Regulation projects are second priority. There are 23 licensing areas under Occupational Licensing which equals 40 hours per year per board.

- 3. Review drafts of proposed regulation amendments: Dealing with license endorsements and examinations.

Mr. White feels that ports and areas should be listed under 12 AAC 56.027(b).

Captain Murphy noted that someone may receive a USCG license in an area that he has never been. The Coast Guard does not test in areas where there is no U.S. Shipping.

X Mr. White leave\$at 4:23 p.m. to catch his plane to Juneau.

This regulation is still in draft stage. The board reviewed the draft and amended pages 2, 3, 4, 5. This item will be continued on November 3, 1988.

The board recessed at 4:55 p.m.

November 3, 1988

( All members were present except Kathy Marshal, <sup>M</sup>meeting called to order at 8:37 a.m.

Agenda Item 9B3. Review draft of Proposed Regulation Amendments: Dealing with License Endorsements and Examinations.

The board reviewed the draft and amended pages 7 and 8.

Amendments will be given to Kevin Henderson.

Agenda Item 14. Review Piloting Situation Southeast, AK. Mr. Sharp, SE Stevedoring, advised that overall the industry was happy, the ships were happier, and it was a successful season.

Mr. Bullard, SEA Pilots. Reviewed the six point system from the April 1988 meeting. It was noted that here are five law suits pending against the SEA Pilots.



x Captain Murphy <sup>advised</sup> noted that the pilot associations are losing their authority to discipline their own members.

Captain Murphy commended the SEA Pilots for being responsible and taking care of the problem.

April 1989 Agenda Item:

x Discuss the possibility of getting a technically competent marine investigator for the Marine Pilot Board only. Possibly on contract. Captain <sup>Murphy</sup> will work with Mr. Burns and advise.

Break: Off the record at 9:47 a.m.

x ON the record at 10:05 a.m.

Agenda Item 15. Review Piloting Situation in Southwest Alaska. Captain Murphy stepped down as chairman and turned the meeting over to the vice chairman, Mr. Taylor.

Mary Truitt with ALAMAR advised that there were approximately 179 moves with ALAMAR. She estimated approximately 269 moves including the other agencies. It was a successful year with fewer complaints than in previous year (approximately 90% less complaints).

Captain Murphy read his letter into the record dated November 3, 1988. Pleased see Attachment B.

Following Captain Murphy's letter, Ms. Truitt noted on the record that ALAMAR does not have any financial interest in AMP. She felt that the accusations made are unsubstantiated. They hired AMP, who gave excellent service and very few complaints were received. They are

very concerned with safety. There were no accidents this year. There were accidents the year before. Ms. Truitt would like a copy of Capt. Murphy's letter.

Mr. Schibel, a member of AMP, advised that this company is independent. It is not agency controlled. They had the opportunity and did a fine job.

Captain Clough advised that the first obligation a pilot has is safety of Alaskans life and property. The second obligation is the underwriters require following federal and state law. The third obligation is safely navigating the ship.

Captain Cochinois read a paper into the record titled, "Difficulties Facing Piloting and Pilotage Regulation in Southwest Alaska." Please see Attachment C.

April 1989 Agenda Item: Place this item on the agenda so that responses can be received from Mary Truitt, ALAMAR; Tom <sup>Rutter</sup> Rutter, North Star Maritime; and other interested parties.

Agenda Item 16. X Public Comment Period. Mr. <sup>Schibel</sup> Schaible asked for clarification of 12 AAC 56.040. In Dutch Harbor they have licensed physician assistants. He feels they should be able to complete the medical certification <sup>from</sup> from.

Agenda Item 17. Standardized License Wording.

We will amend the license wording on Southwest Alaska during this renewal cycle. All licensees were sent a copy of the proposal. The USCG has changed their policy on license wording. No one will gain or lose anything.

Captain Murphy will indicate the wording.

Yakutat and Icy Bay is a no mans land. A person will have those two areas if it is indicated on their U.S. Coast Guard license. The examiner will check the license file to determine if the person has taken the state exam for Yakutat and Icy Bay.

The examiner noted that we may not have current Coast Guard licenses on file for licensees who received their initial licenses in the 70's.

On a motion duly made by Mr. Foster, seconded and approved unanimously it was:

RESOLVED that we standardize the license wording so it parallels the Coast Guard.

Referred to 12 AAC 56.055.

Agenda Item 18. Marine Pilot Renewal. Captain Elsensohn proposed that we amend our regulation to require a current U.S. Coast Guard license at the time of renewal as the State license is predicated on a current U.S. Coast Guard license.

The audience felt that it was a good idea.

On a motion duly made by MR. TAYLOR, seconded and approved unanimously it was:

RESOLVED that the board require a current U.S. Coast Guard license as part of the renewal cycle in 1990.

Agenda Item 20. Office Business.

- a. Can a person that holds a temporary permit apply for an extension of route exam before the permanent exam is held?

After discussion, it was determined that an individual holding an initial temporary permit cannot extend his route until the permanent exam.

Amend the Standard Operating Procedure until the regulation is in effect.

- b. Can a channel pilot do dockings and undockings on a foreign vessel when he does not have the route or port on his state license?

After discussion it was determined that a channel pilot could do this per 12 AAC 025(b).

Captain Homer asked if he could use 10 dockings and 10 undockings from both Southeast and Southwest to meet the requirement.

Captain Murphy advised that this would be reviewed by the full board since it will be before the board for the first time. ~~After~~ After further discussion it was determined that they will ask Steve White to review, depending on his work load we may have an answer by April.

- c. Channel pilot temporaries issued for the first time in SW.

There were three channel pilot licenses issued in Southwest, Alaska. Previously they were held in

Southeast Alaska only.

d. Review renewal forms.

Discussed the new format used for this renewal regarding professional issues. Similar format being used for other professions, also.

e. Wall certificates.

Captain Dickerson asked if it would be possible to receive a wall certificate. <sup>Dr</sup> As it took many years for him to obtain this license. <sup>Occupational Licensing</sup> We stopped issuing the certificates in 1982.

There was not much public interest.

Agenda Item 19. Lunch Break

Recess: 11:32 a.m.

Reconvene: 1:05 p.m.

Agenda Item 21. Annual Report.

The board reviewed the draft prepared by Mr. Taylor, and Captain Murphy. Mr. Foster commended the authors for their efforts.

On a motion duly made, seconded, and approved unanimously, it was:

RESOLVED to approve the annual report.

Agenda Item 22. Meeting and Examinations.

The next <sup>permanant</sup> exam will be held in Juneau on April 10, 1989.  
The meeting will be held in Juneau April 11 and 12,  
1989.

The deadline for extension of route exams will be 30  
days before the exam. Initial application deadline will  
remain at 60 days, no exceptions.

Agenda Item 23. Goals and Objections.

*Please see attachment D.*  
*Agenda Item 24 Adequate Quarters for Pilots.*  
Please refer to the letter in the board packet from  
Captain's Smith, Swan, and Antonsen.

The members referred to page 34 and 36 in the Statute  
Booklet.

Mr. Antonsen was concerned for adequate quarters for  
rest. This is a safety issue not an economic issue.

X Captain Murphy will write a letter to the <sup>C</sup>ruise Line  
Agency. Mr. Sharp will provide the address and  
cooperation coordinating this agency.

Agenda Item 25. Adjourn. There was no further business and on a motion  
duly made, and seconded it was:

RESOLVED that the meeting adjourn.

Off the record at 2:00 p.m.

Respectively submitted by:

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W. Ed Murphy, Chairman

Nancy Ferguson, Licensing Examiner